THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.14742 of 2007

Dated 19th July 2007

Between:

Jerripotula Neela Kanteswara Rao

... Petitioner

and

The Sub-Registrar of Assurances (Stamps and Registration)
Bheemunipatnam, Visakhapatnam & another

... Respondents

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O R D E R:

Petitioner states that he is the absolute owner and possessor of land admeasuring 355.42 sq.yards in Sy.No.313/P of Kapuluppada village of Bheemunipatnam Mandal, Visakhapatnam District. According to him, he intended to sell the property and approached the 1st respondent for registration. The grievance of the petitioner is that the 1st respondent is neither receiving the document, nor admitting it for registration, on the ground that the above land is shown as Government land and conveyance of the same is opposed to public policy. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned

Government Pleader for Revenue.

While the Stamp Act stipulates the amount of stamp duty payable on a document, the Registration Act prescribes the procedure to be followed, while admitting a document into registration. The Registering Authority is not expected to adjudicate upon the title, in relation to the property covered by the document. Recently, the Registration Act has been amended by including Section 22-A. The circumstances, under which the Registering Authority can refuse registration, are mentioned in Clauses (a) to (e) of sub-section (1). Unless and until the property of the petitioner covered by the document falls into any of those categories, the 1st respondent cannot refuse registration. In case, he finds that the document cannot be registered, for any reasons, he is under obligation to communicate the same to the petitioner, within a reasonable time.

Hence, the writ petition is disposed of, directing the 1st respondent to receive and process the document presented by the petitioner, in accordance with the provisions of the Stamp Act and the Registration Act, as amended through Act 19 of 2007, and take necessary steps, within a period of one week from the date of receipt of the document. In case, the document cannot be registered, he shall communicate the reasons in writing, within that period. There shall be no order as to costs.

19th July 2007

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